

II. REMARKS

Claims 1-5 are pending. Claims 6 to 32 are cancelled. Claims 1-5 are amended. Claims 33-36 are new. Support for the amended and new claims may be found throughout the application as originally filed; for example, page 7, lines 25-26, page 8, lines 7-10 and 21-23, page 10, lines 5-15, page 11, lines 26-28, and page 43, lines 4-6. No new matter is added.

Reconsideration is respectfully requested in view of the above amendments and the following remarks.

Objection to the Specification

The specification is objected for lacking sequence identifiers at pages 44-45.

In response, Applicants amend the specification to recite appropriate sequence identifiers as suggested by the Office. Reconsideration and withdrawal of the objection are respectfully requested.

Rejection to the Claim

Claim 1 is objected for reciting the abbreviated term 'CRH'.

In response, Applicants amend claim 1 to recite the full name 'corticotropin-releasing hormone' as suggested by the Office. Reconsideration and withdrawal of the objection are respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Yamazaki et al. 2002 (Yamazaki). Specifically, the Office stated that "*Yamazaki et al teaches the analysis of gene expression in mouse tissue samples by determining gene expression using the Affymetrix Murine Genomic U74Av2 GeneChip. The analysis GeneChip of the cited prior art is the same microarray as used in the example of the instant specification (p.41 lns. 26-30). Thus the analysis of the cited prior art determines the level of gene expression of genes with the required sequence elements as recited in the claims as evidenced by the instant specification (i.e. the instant specification teaches that an analysis using the U74Av2 array determines expression of gene recited in Table 1 of the specification) as well as the Examiner's search of the probes sets contained on the U74Av2 array (available using the netaffy search tool from www.affymetrix.com).*"

Applicants respectfully traverse. Yamazaki does not disclose the claimed method of diagnosing depression or stress modulated by a corticotropin-releasing hormone induced gene expression in an individual comprising: a) obtaining a biological sample of said individual, b) determine the level of gene transcription of a gene comprising SEQ ID No. 19, and c) correlating a change in the level of said gene transcription of step b) to depression or stress.

Yamazaki discloses the analysis of gene expression in livers of mice treated with different PPAR α agonists fenofibrate and Wy-14,643; see page 1118, second paragraph, *"In order to examine whether there is any difference of gene-regulatory activities in mouse liver between a comparatively weak PPAR α agonist, fenofibrate, and a strong PPAR α agonist, Wy-14,643,...we performed microarray analysis using Affymetrix's U74Av2 GeneChip..."* According to Yamazaki, 43 genes are up-regulated and 31 genes are down-regulated by PPAR α agonists; see Figures 2 and 3, respectively. None of the regulated genes disclosed by Yamazaki has the same nucleic acid sequence of SEQ ID No. 19 as recited in the claims. Further, Yamazaki does not disclose any condition, including depression and stress, modulated by gene expression induced by corticotropin-releasing hormone. Even considering the same murine GeneChip is used by Yamazaki and the present application, Yamazaki does not disclose any change in the expression of the gene comprising SEQ ID No. 19 nor the correlation to condition modulated by CRH thereof.

With respect to a rejection under U.S.C. § 102(a), the law is clear in that all the limitations of a claim must be found within the four corners of a single reference. Since each and every element as set forth in claim 1 is not disclosed in Yamazaki, claims 1-5 and 33-36 are not anticipated by Yamazaki.

Accordingly, the rejection is obviated. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

III. CONCLUSION

Early consideration and prompt allowance of the claims are respectfully requested. Should the office require anything further, it is invited to contact applicants' representative at the telephone number below.

JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-3957
Dated: August 27, 2009
Customer No.: 27777

Respectfully submitted,

By: /Andrea Jo Kamage/
Andrea Jo Kamage
Reg. No. 43,703

AJK/YMD